

State of NevadaOfficial Name
of Station Topaz Lake**FINAL REPORT FOR TAX DEPARTMENT - ACQUISITION OF LAND BY EASEMENT**County - **Douglas**

Tax district -

General location - **Approximately 3 miles south of Holbrook Junction.**~~Grantor~~ **XXXXXX** - **United States Department of the Interior, Bureau of Indian Affairs**~~Grantee~~ **XXXXXX** - **American Telephone and Telegraph Company**Purchase price - **\$2039.41 (for Site and Access Road)**

Deed dated -

Grant of easement dated - **January 31, 1964 (50 year easement)**

| | |
|-------------------|--------------------------------------|
| (City or County | Official Office - |
| (| |
| Deed recorded - (| Not recorded |
| (| |
| (Date filed - | Deed Book No. _____ ; Page No. _____ |

Purpose for which acquired - **Topaz Lake Site**
Delta-Oakland Radio Relay Route

Suggested value for tax purposes:

Land - \$ -

Building - \$

Tower - \$

Taxes - **None Outstanding**

10/22/2003

13:40

Case 3:73-cv-00127-MMD-CSD Document 2641614 Filed 05/27/04 Page 2 of 4

Acquired by Easement

Dimensions of land and acreage / (Complete only where land is purchased in fee)

A 400' X 400' parcel containing 3.679 acres and located in the SE $\frac{1}{4}$ of Section 14,
T. 10 N., R. 21 E., M. D. B. & M., Douglas County, Nevada.

Legal description from deed - (Complete only where land is purchased in fee)

Dated May 5, 1964 for ~~Superintendent~~
Right of Way - _____
Superintendent

cc: WCP, File

AMENDED
APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office JUL 15 1966

Returned to applicant for correction.....

Corrected application filed SEP 20 1966

Map filed SEP 20 1966

The applicant American Telephone and Telegraph Company and/or its agent
Bell Telephone Company of Nevada
of 160 West First Street Reno, County of Washoe

State of Nevada, hereby make S application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.) A.T. & T. State of New York

1885 - Bell Telephone Company of Nevada - 1913

Please address all inquiries to:
Bell Telephone Co. of Nevada
ATTN: William Keenan
Senior Engineer

1. The source of the proposed appropriation is Underground
Name of stream, lake or other source
160 West First St. Reno, Nevada

2. The amount of water applied for is 35 gal/min. = .07798 c.f.s. second-foot
One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet..... acre-feet

3. The water to be used for Domestic
Irrigation, power, mining, manufacturing, domestic, or other use.

4. If use is for:

(a) Irrigation (state number of acres to be irrigated).....

(b) Stockwater (state number and kinds of animals to be watered).....

(c) Other use (describe fully under "No. 11. Remarks").....

(d) Power:

(1) Horsepower developed.....

(2) Point of return of water to stream.....

5. The water is to be diverted from its source at the following point: SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, T. 10 N., R. 21 E., - M.D.B. & M. or at a point from which the SE Corner of
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land, it should be stated.
said Section 14 bears South 82° 36' 54" East a distance of 962.18 feet

6. Place of use SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, T. 10 N., R. 21 E., M.D.B. & M.
Describe by legal subdivision, if on unsurveyed land it should be so stated.

7. Use will begin about January 1 and end about December 31, of each year.
Month Month

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Drilled Well, pump, and distribution system.

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.

9. Estimated cost of works. \$15,000

10. Estimated time required to construct works. 2 years
11. Remarks. System will have submersible pump, 500 gallon storage tank in building. Water utilized in bathroom and kitchen facilities.

Applicant American Telephone & Telegraph Co.
and/or Bell Telephone Co. of Nev.

By s/Eugene B. Longfield
Agent

Compared kd /jw hs/jw

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions: This permit is issued subject to all existing rights on the source. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level at permittee's well due to other ground water development in the area. A substantial weir or other type of measuring device must be installed and measurements of water use kept. The well shall be equipped with a 2-inch opening and an air line for measuring depth to water. If well is flowing, a valve must be installed and maintained to prevent waste. The State retains the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.07798 cubic feet per second.

Actual construction work shall begin on or before August 27, 1967.

Proof of commencement of work shall be filed before September 27, 1967.

Work must be prosecuted with reasonable diligence and be completed on or before August 27, 1968.

Proof of completion of work shall be filed before September 27, 1968.

Application of water to beneficial use shall be made on or before August 27, 1969.

Proof of the application of water to beneficial use shall be filed on or before September 27, 1969.

Map in support of proof of beneficial use shall be filed on or before

Commencement of work filed APR 24, 1967

Completion of work filed APR 24, 1967

Proof of beneficial use filed OCT 7, 1967

Cultural map filed

Certificate No. 2202 Issued 11-17-67

Recorded 12-3-67 Bk 71 Page 682

Douglas County Recorder

IN TESTIMONY WHEREOF, I GEORGE W. HENNEN
State Engineer of Nevada, have hereunto set my hand and the seal of
my office, this 27th day of February

A.D. 1967

Assistant State Engineer

Application No. 23243

Certificate Record No. 7202

Book 23

Page 7102

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS Eugene B. Longfield, Agent has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from an underground source through drilled well, pump, and distribution system for domestic purposes. The point of diversion of water from the source is as follows: SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, T. 10-N, R. 21-E, M.D.B. & M., or at a point from which the SE corner of said Section 14 bears S. 82° 36' 54" E., a distance of 962.18 feet. situated in Douglas County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of NRS 533.425, has determined the date, source, purpose, amount of appropriation, and the place where such water is appurtenant, as follows:

Name of appropriator American Telephone and Telegraph Co., or its Agent Bell Telephone Company of Nevada

Post-office address Reno, Nevada

Amount of appropriation 0.07798 cfs but not to exceed 1440 gallons per day

Period of use, from January 1st to December 31st of each year

Date of priority of appropriation July 15, 1966

Description of works of diversion, manner and place of use
water is produced from a drilled well, thence pumped into a 500-gallon storage tank thence by pipeline into kitchen and bathroom facilities in a micro-wave station located within the same subdivision as the point of diversion where it is used for domestic purposes.

This certificate is issued subject to the terms of the permit.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place and for the purpose as set forth herein.

IN TESTIMONY WHEREOF, I ROLAND D. WESTERGARD, State Engineer

Compared ib/jls of Nevada, have hereunto set my hand and the seal of my office, this

Recorded 12-3-69 Bk 71 Page 682 17th day of November, A. D. 1969.

Douglas County Records.

Roland D. Westergard
State Engineer.

Indexed under _____ Well Log No. _____

Name of Applicant _____

Map _____

Stream _____

Township 10N, R2E X DOUGLAS County CLATSOP

Point of diversion SE 1/4 SE 1/4 Sec 14

Application filed JUL 15 1966

Applicant AMERICAN Telephone & Telegraph CO. & its AGENT Bell Telephone of

Source of water UNDERGROUND NEVADA

Returned for correction _____

Corrected application received SEP 20 1966

Map filed Sept 20, 1966

Sent for publication NOV 7 1966

Proof of publication filed DEC 12 1966

Investigated on ground by _____

Protested _____

Ready for action JAN 9 1967

Approved Feb 27, 1967 for 0.0779 cfs, Domestic

Denied _____

Withdrawn _____

Canceled _____

Due Date: _____

Proof of labor filed APR 24 1967 Sept 22, 1967

Proof of completion of work filed APR 24 1967 Sept 22, 1968

Proof of beneficial use filed OCT 7 1969 Sept 22, 1969

Beneficial use map filed _____

Certificate No. 7202 issued 11-17-69 for 0.0779 cfs domestic

Recorded 12-3-69 Bk. 71 Page 382 Douglas County Records

| COMPUTER CHECK | |
|----------------|------------|
| File Entry | <u>yes</u> |
| Publication | <u>yes</u> |
| Permit | <u>yes</u> |
| Certificate | <u>yes</u> |

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

| | | |
|----------------------------|---|-----------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | In Equity No. C-125-ECR |
| |) | Subfile No. C-125-B |
| WALKER RIVER PAIUTE TRIBE, |) | |
| |) | DISCLAIMER OF INTEREST IN |
| Plaintiff-Intervenor, |) | WATER RIGHTS AND NOTICE OF |
| |) | RELATED INFORMATION AND |
| v. |) | DOCUMENTATION SUPPORTING |
| |) | DISCLAIMER |
| WALKER RIVER IRRIGATION |) | |
| DISTRICT, |) | |
| a corporation, et al., |) | |
| |) | |
| Defendants. |) | |

The undersigned counter-defendant in the above action hereby notifies the Court and the United States that the undersigned (or the entity on whose behalf the undersigned is acting) has no interest in any water right within the categories set forth in Paragraph 3 of the *Case Management Order* (Apr. 18, 2000) and, therefore, **disclaims all interest in this action.**

This disclaimer and notice shall be sent to the following two persons:

Linda Lea Sharer, Chief Deputy Clerk
United States District Court for the District of Nevada
400 South Virginia Street, Suite 301
Reno, NV 89501

And

Susan L. Schneider
United States Department of Justice
P.O. Box 756
Littleton, CO 80160

Exhibit 5B

In addition, because the undersigned sold or otherwise conveyed ownership of all of the

1 water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once
2 owned before the undersigned was served with a Waiver of Service of Notice in Lieu of
3 Summons or by a Notice in Lieu of Summons, the undersigned provides the following
4 additional information:

5 1. The name and address of the party or parties who sold or otherwise conveyed
6 ownership:

7 Name(s):

8
9 Street or P.O. Box:

10
11 Town or City:

12
13 State:

14
15 Zip Code:

16
17 2. The name and address of each person or entity who acquired ownership

18
19 Name(s):

20
21 Street or P.O. Box:

22
23 Town or City:

24
25 State:

26
27 Zip Code:

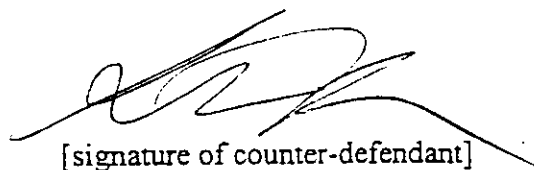
1
2
3 3. Attached to or included with this notice is a copy of the (check appropriate
4 box(es)):

- 5
6 ☐ Deed
7 ☐ Court Order
8 ☐ Other Document.
9

10 by which the change in ownership was accomplished.

11 4. The undersigned acknowledges that any person or entity who files a Disclaimer
12 of Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently,
13 the undersigned acknowledges that any person or entity who files a Disclaimer of Interest, but,
14 in fact, has water rights subject to this litigation, shall nevertheless be bound by the results of
15 this litigation.

16 Executed this 20th day of February 2004.
17
18
19

20
21 
22 [signature of counter-defendant]

23
24 Steven O. Vardian
25 [name of counter-defendant]
26
27
28

1

2

3

[name, if applicable, of person acting on
behalf of counter-defendant]

4

5

6

7

[signature, if applicable, of person acting on
behalf of Counter-Defendant]

8

9

10

11

12

American Tower Management, Inc.
116 Huntington Avenue
Boston, MA 02116

13

14

15

[address]

16

17

617-375-7500

18

[telephone number]

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WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

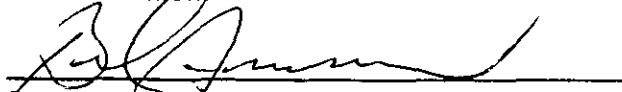
2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 8/20/03


Signature

BRAD AMUSSEN

Printed Typed Name

If you are acting on behalf of any entity, identify that you are
acting as: _____ of
(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

Exhibit 6A

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

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5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 8/20/03

Patricia Amussen - (FORMERLY FITZGERALD)
Signature

PATRICIA AMUSSEN (FORMERLY FITZGERALD)
Printed Typed Name

If you are acting on behalf of any entity, identify that you are
acting as: _____ of
(Title)

(Corporate, Trust, Partnership or other entity)

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

11/12/03 16:04:53 Corey Canyon Accounts, November 12, 2003 PAGE

Customer Name _____

AMUSSEN, BRAD

CASTAGNOLA, GUS

CASTAGNOLA, KATHY (KOOHNS)

CORNELLA, DEL OR MARSHA

DEMPSEY, KIM

GRECO, DAVID

HARRINGTON, RICHARD

HAWTHORNE HEIGHTS MOBILE HOME

JACOBS, TED

KIRBY, KEN & LEANNE

MATHENY, JEFF

SANCHEZ, GENEVA

SAYCE, MIKE

SEATON, PHIL & TERI

SMITH, JACK

TOWE, BILL

WADLOW, KEVIN

WILLIAMS, ROBERT

*** E.N.D. OF REPORT ***

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

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5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date April 28, 2003

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are
acting as: Attorney of Record for ~~xxx~~
(Title) Atlantic Richfield Company
Anaconda Minerals Co.

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

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5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 9/19/03

Signature

PAMELA A. TARQUIN

Printed Typed Name

If you are acting on behalf of any entity, identify that you are acting as: Principal of

(Title)
Applied Hydrology Associates, Inc.
(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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Case 3:73-cv-00127-MMD-CSD Document 2641614 Filed 05/27/04 Page 21 of
Nevada Division of Water Resources

Well Log Database

Query Results

| Basin | County | Qtr- Qtr | Section | Twp | Rng | Owner | Date Complete | Well Log # | Driller Lic# | Total Depth | Static Water Level | Casing Diameter | APN | Work Type | Proposed Use | App # |
|-------|--------|-------------|---------|-----|-----|--------------------------------------|------------------|---------------|-----------------|----------------|--------------------------|--------------------|-----|--------------|-----------------|-------|
| 108 | 32019 | NE NE | 04 | 13N | 25E | PERI & SONS | 1/19/2000 | 78925 | 1713 | 365 | 12.5 | 16 | | N | I | |
| 108 | 32019 | NE SW | 04 | 13N | 25E | PERI & SONS | 7/2/2000 | 84085 | 1713 | | | 18 | | P | I | 23794 |
| 108 | 32019 | NE SW | 04 | 13N | 25E | PERI & SONS | 7/2/2000 | 82133 | 1713 | 250 | 26 | 18 | | P | I | 23794 |
| 108 | 32019 | NW NW | 04 | 13N | 25E | PERI & SONS | 2/14/2001 | 82572 | 1713 | 420 | 12 | 16 | | P | I | 56856 |
| 108 | 32019 | NW NW | 04 | 13N | 25E | PERI & SONS | 6/29/2000 | 84084 | 1713 | 325 | 12 | 18 | | P | I | |
| 108 | 32019 | NW SW | 04 | 13N | 25E | ANACONDA MINERALS | 10/29/1983 | 25330 | 1366 | 60 | 4 | 10 | | N | G | |
| 108 | 32019 | NW SW | 04 | 13N | 25E | ANACONDA MINERALS | 10/28/1983 | 25329 | 1366 | 91 | 3 | 10 | | N | G | |
| 108 | 32019 | NW SW | 04 | 13N | 25E | ANACONDA MINERALS | 10/21/1983 | 25328 | 1366 | 240 | 4 | | | N | G | |
| 108 | 32019 | SW NE | 04 | 13N | 25E | PERI & SONS | 2/15/2001 | 82571 | 1713 | 373 | 8 | 14 | | P | I | 45856 |
| 108 | 32019 | NE NE | 05 | 13N | 25E | MARK FLICKINGER ARCO | 10/28/1998 | 74862 | 1028 | 60 | 45 | 4 | | N | G | |
| 108 | 32019 | NE NE | 05 | 13N | 25E | MARK FLICKINGER ARCO | 10/28/1998 | 74863 | 1028 | 60 | 45 | 4 | | N | G | |
| 108 | 32019 | NE NE | 05 | 13N | 25E | MARK FLICKINGER ARCO | 10/28/1998 | 74867 | 1028 | 60 | 45 | 4 | | N | G | |
| 108 | 32019 | NE NE | 05 | 13N | 25E | MARK FLICKINGER ARCO | 10/28/1998 | 74866 | 1028 | 60 | 45 | 4 | | N | G | |
| 108 | 32019 | NE NE | 05 | 13N | 25E | MARK FLICKINGER ARCO | 10/28/1998 | 74865 | 1028 | 60 | 45 | 4 | | N | G | |
| 108 | 32019 | NE NE | 05 | 13N | 25E | ANACONDA MINERALS | 10/27/1983 | 25333 | 1366 | 39 | 3 | 10 | | N | G | |
| 108 | 32019 | NE NE | 05 | 13N | 25E | MARK FLICKINGER ARCO | 10/28/1998 | 74864 | 1028 | 60 | 45 | 4 | | N | G | |
| 108 | 32019 | NW NE | 05 | 13N | 25E | APPLIED HYDROLOGY ASSOCIATES I | 9/19/1997 | 70057 | 1413 | 73 | 7 | 8 | | N | G | |
| 108 | 32019 | NW NE | 05 | 13N | 25E | ANACONDA MINERALS | 10/23/1983 | 25336 | 1366 | 75 | 3 | 10 | | N | G | |
| 108 | 32019 | NW NE | 05 | 13N | 25E | ANACONDA MINERALS | 10/23/1983 | 25341 | 1366 | 180 | 3 | | | N | G | |
| 108 | 32019 | NW NE | 05 | 13N | 25E | ANACONDA MINERALS | 10/21/1983 | 25338 | 1366 | 180 | 6 | | | N | G | |
| 108 | 32019 | NW NE | 05 | 13N | 25E | ANACONDA MINERALS | 10/23/1983 | 25337 | 1366 | 30 | 4 | 10 | | N | G | |
| 108 | 32019 | NW NE | 05 | 13N | 25E | ANACONDA MINERALS | 10/24/1983 | 25332 | 1366 | 75 | 3 | 10 | | N | G | |
| 108 | 32019 | NW NE | 05 | 13N | 25E | ANACONDA MINERALS | 10/24/1983 | 25334 | 1366 | 30 | 4 | 10 | | N | G | |

monitoring
well

There is no EXHIBIT 9

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date August 22, 2003

Signature

Printed Typed Name

If you are acting on behalf of any entity, identify that you are
acting as: Attorney of Record for ~~xxx~~
(Title) Atlantic Richfield Company
Anaconda Minerals Co.
(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

When recorded, return to:
JAMES W. MINORCHIO
RIDDELL WILLIAMS P.S.
1001 4TH AVENUE PLAZA, SUITE 4500
SEATTLE, WA 98154-1065

RPT # 8
APN 12-471-74

QUIT CLAIM DEED

The GRANTOR, BANK OF AMERICA, N.A., as Trustee for GEORGE A. L'ABBE, for and in consideration of transfer into trust, conveys and quit-claims to THE WHITTIER TRUST COMPANY OF NEVADA, as Trustee for GEORGE A. L'ABBE (whose address is: P.O. Box 961, Yerington, Nevada 89447), the following described real estate, situated in the County of Lyon, State of Nevada, together with all after acquired title of the grantor therein:

That portion of the Northeast $\frac{1}{4}$ of Section 23, Township 11 North, Range 26 East, M.D.B. & M., in the County of Lyon, State of Nevada, being more particularly described as follows:

Beginning at the Section corner common to 13, 14, 23, 24 as shown on Record of Survey No. 223861, thence through the following courses:

1. South 01°00'38" East, 1958.07 feet;
2. North 88°46'47" West, 2587.84 feet;
3. North 00°00'03" West, 638.78 feet;
4. North 45°42'44" East, 1852.85 feet;
5. South 88°36'59" East, 1326.75 feet to the True Point of Beginning

TOGETHER with the tenements, hereditaments, and appurtenances, including easements, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues, or profits thereof.

ALSO those certain waters and water rights described in Exhibit "A" attached hereto and incorporated herein by this reference.

SUBJECT, HOWEVER, to those certain Covenants, Conditions, and Restrictions for Walker River Ranch Irrigation Association recorded July 21, 1999, as document No. 236752, Official Records, Lyon County, Nevada.

261936

261936

THOSE CERTAIN surface water rights from the East Walker River which are appurtenant to the real property described on Page 1 of document ("Property") pursuant to Claim 17 of that certain decree entitled "United States of America, Plaintiff, vs. Walker River Irrigation District, a corporation, et al, Defendants, Case in Equity C-125" consisting of the following:

1. The right to irrigate 25.5 acres of land with the following priorities:

| <u>Priority</u> | <u>Acres</u> |
|-----------------|--------------------|
| 1867 | 0.57 acres |
| 1875 | 1.98 acres |
| 1879 | 2.55 acres |
| 1885 | 12.75 acres |
| 1890 | 3.19 acres |
| 1895 | 4.46 acres |
| | <u>25.50 acres</u> |

2. The right to irrigate 34.5 acres of the Property from the East Walker River designated as "NEWLAND" as administered by the Walker River Irrigation District.

The location of the above 60 acres of irrigated land is illustrated in the map attached hereto as Exhibit "A-1".

TOGETHER with a portion of Permit 25017, Certificate 8860 issued to the Walker River Irrigation District for flood and excess waters to the extent it is appurtenant to such 60 acres.

THE TOTAL LAND AREA of the Property to be irrigated by surface water rights from the East Walker River under portions of Claim 17, "NEWLAND" rights and permit 25017, Certificate 8860 is 60 acres, more or less.

The total quantity of water is 240 acre feet annually.

TOGETHER WITH a portion of the supplemental underground water rights under Permit 49274, 49276, 49277 and 49278 consisting of a diversion rate of 0.1149 cfs from each permit and having a total combined annual duty of 240.0 acre feet which are appurtenant to that same 60 acres of the land irrigated from the East Walker River by decreed water rights and NEWLAND water rights above described.

TOGETHER with the right to change the point of diversion and place and manner of use of said water rights.

TOGETHER WITH, all and singular, the tenements, hereditaments and appurtenances there unto belonging or in anywise appertaining, and the reversion and the reversions, remainder and remainders, rents, issues and profits thereof.

EXCLUDING THEREFROM, any and all water and water rights from any and all sources over and above those specifically described above.

261936

261936

OFFICIAL RECORDS
LYON COUNTY, NEV.
RECORD REQUESTED BY

RIDDELL WILLIAMS

01 JUN -7 PM 12:16

MARY J. MULLIGAN
COUNTY RECORDER

FEE 10.00 DEP. E8

WATER RIGHTS CORRECTION DEED

WRID 9/02

WATER RIGHTS TO BE CONVEYED

THOSE CERTAIN surface water rights from the East Walker River which are appurtenant to the real property described in EXHIBIT "B", attached ("Property") pursuant to Claim 17 of that certain decree entitled "UNITED STATES OF AMERICA, PLAINTIFF, VS. WALKER RIVER IRRIGATION DISTRICT, A CORPORATION, ET AL., DEFENDANTS, CASE IN EQUITY C-125" and consisting of the following:

1. The right to irrigate 25.5 acres of land with the following priorities:

1867: 0.57 acres
1875: 1.98 acres
1879: 2.55 acres
1885: 12.75 acres
1890: 3.19 acres
1895: 4.46 acres
25.5 acres

2. The right to irrigate 34.5 acres of the Property from the East Walker River designated as "NEWLAND" as administered by the WALKER RIVER IRRIGATION DISTRICT.

TOGETHER with a portion of Permit 25017, Certificate 8860 issued to the Walker River Irrigation District for flood and excess waters to the extent it is appurtenant to such 60 acres.

THE TOTAL LAND AREA of the Property to be irrigated by surface water rights from the East Walker River under portions of CLAIM 17, "NEWLAND" rights and Permit 25017, Certificate 8860 is 60.00 acres, more or less.

ALONG WITH a portion of the supplemental underground water rights under PERMITS 49274, 49276, 49277 and 49278 consisting of a pro-rata portion of the diversion rate from each permit and having a total combined duty not to exceed 240 acre-feet which are appurtenant to that same 60 acres of the land irrigated from the East Walker River by Decreed and "Newland" rights described above.

TOGETHER WITH the right to change the point of diversion and place and manner of use of said water rights.

EXCLUDING THEREFROM, any and all water and water rights from any and all sources over and above those specifically described above.

275641

TO THE WATER RIGHTS DEED

LEGAL DESCRIPTION

The land referred to herein is situated in the State of Nevada,
County of LYON, described as follows:

That portion of the Northeast 1/4 of SEction 23, Township 11
North, Range 26 East, M.D.B. & M., in the County of Lyon, State
of Nevada, being more particularly described as follows:

Beginning at the Section corner common to 13, 14, 23, 24 as
shown on Record of Survey No. 223861, thence through the
following courses;

1. South 01° 00' 38" East, 1958.07 feet;
2. North 88° 46' 47" West, 2687.84 feet;
3. North 00° 00' 03" West, 638.78 feet;
4. North 45° 42' 44" East, 1852.85 feet;
5. South 88° 36' 59" East, 1326.75 feet to the TRUE
POINT OF BEGINNING.

ASSESSOR'S PARCEL NO.

12-471-74

PER NRS 111.312, THE LEGAL DESCRIPTION APPEARED
PREVIOUSLY IN DEED # 241208 RECORDED ON
NOVEMBER 29, 1999 IN LYON COUNTY RECORDS.

275641

LEGAL DESCRIPTION

The land referred to herein is situated in the State of Nevada, County of LYON, described as follows:

That portion of the Northeast 1/4 of SEction 23, Township 11 North, Range 26 East, M.D.B. & M., in the County of Lyon, State of Nevada, being more particularly described as follows:

Beginning at the Section corner common to 13, 14, 23, 24 as shown on Record of Survey No. 223861, thence through the following courses;

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3. North 00° 00' 03" West, 638.78 feet;
4. North 45° 42' 44" East, 1852.85 feet;
5. South 88° 36' 59" East, 1326.75 feet to the TRUE POINT OF BEGINNING.

ASSESSOR'S PARCEL NO.

12-471-74

PER NRS 111.312, THE LEGAL DESCRIPTION APPEARED
PREVIOUSLY IN DEED # 241208 RECORDED ON
NOVEMBER 29, 1999 IN LYON COUNTY RECORDS.

275641

OFFICIAL RECORDS
LYON COUNTY, NEV.
RECORD REQUESTED BY

George L. Able

02 APR 22 AM 9:51

MARY C. HILLIGAN
COUNTY RECORDER

FEE 17⁰⁰ REF. Dee

RPT-#3
Correcting Permit #s + Trustee
Mail Recorded Deed and

✓ Tax Statements to:
George A. L'Abbe
P.O. Box 961
Yerington, NV 89447

APN 12-471-74

WATER RIGHTS CORRECTION DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, BANK OF AMERICA, N.A., as Trustee for GEORGE A. L'ABBE, (Grantor) does hereby GRANT, BARGAIN to THE WHITTIER TRUST COMPANY OF NEVADA, as Trustee for GEORGE A. L'ABBE (whose address is: P.O. Box 961, Yerington, Nevada 89447), those certain waters and water rights described in Exhibit "A" attached hereto and incorporated herein by this reference and appurtenant to the real property described in Exhibit "B" attached hereto.

TO HAVE AND TO HOLD said water and water rights, unto the Grantees, and to their successors and assigns forever.

SAID DEED is being filed to correct the quantity of the diversion rate of Permits 49274, 49276, 49277 and 49278 expressed in that certain quitclaim deed executed on May 31, 2000 and filed in the Office of the Lyon County Recorder on June 26, 2000 as Document #249512.

Dated this 3rd day of May, 2002.

Bank of America, N.A., As Trustee

By: Debra S. Thomas
Debra S. Thomas VP & Trust Officer
(Printed Name)

By: John T. Margeson
John T. Margeson, VP & Trust Officer

276752

STATE OF WASHINGTON)) ss.
County of KING)

On this 2nd day of May, 2002, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Debra S. Thomas and John T. Margeson to me known or proven on the basis of satisfactory evidence to be the Vice President and Vice President, respectively of BANK OF AMERICA, N.A., that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act of said bank and that they were authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.



Pat A. Wood
Notary Public in and for the State of
Washington
Residing at Everett
Name printed PAT A WOOD
My appointment expires: 5/1/05 ^{per}

276752

THOSE CERTAIN surface water rights from the East Walker River which are appurtenant to the real property described in EXHIBIT "B", attached ("Property") pursuant to Claim 17 of that certain decree entitled "UNITED STATES OF AMERICA, PLAINTIFF, VS. WALKER RIVER IRRIGATION DISTRICT, A CORPORATION, ET AL, DEFENDANTS, CASE IN EQUITY C-125" and consisting of the following:

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1895: 4.46 acres
25.5 acres

2. The right to irrigate 34.5 acres of the Property from the East Walker River designated as "NEWLAND" as administered by the WALKER RIVER IRRIGATION DISTRICT.

TOGETHER with a portion of Permit 25017, Certificate 8860 issued to the Walker River Irrigation District for flood and excess waters to the extent it is appurtenant to such 60 acres.

THE TOTAL LAND AREA of the Property to be irrigated by surface water rights from the East Walker River under portions of CLAIM 17, "NEWLAND" rights and Permit 25017, Certificate 8860 is 60.00 acres, more or less.

ALONG WITH a portion of the supplemental underground water rights under PERMITS 49274, 49276, 49277 and 49278 consisting of a pro-rata portion of the diversion rate from each permit and having a total combined duty not to exceed 240 acre-feet which are appurtenant to that same 60 acres of the land irrigated from the East Walker River by Decreed and "Newland" rights described above.

TOGETHER WITH the right to change the point of diversion and place and manner of use of said water rights.

EXCLUDING THEREFROM, any and all water and water rights from any and all sources over and above those specifically described above.

276752

LEGAL DESCRIPTION

The land referred to herein is situated in the State of Nevada,
County of LYON, described as follows:

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North, Range 26 East, M.D.B. & M., in the County of Lyon, State
of Nevada, being more particularly described as follows:

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5. South 88° 36' 59" East, 1326.75 feet to the TRUE
POINT OF BEGINNING.

ASSESSOR'S PARCEL NO.

12-471-74

PER NRS 111.312, THE LEGAL DESCRIPTION APPEARED
PREVIOUSLY IN DEED # 241208 RECORDED ON
NOVEMBER 29, 1999 IN LYON COUNTY RECORDS.

276752

OFFICIAL RECORDS
LYON COUNTY, NEV.
RECORD REQUESTED BY

George L. Abbe
02 MAY 13 AM 9:42

MARY C. HILLIGAN
COUNTY RECORDER

FEE 17.00 GRP. ON

STATE OF WASHINGTON)

) ss.

County of KING)

On this 3rd day of May, 2002, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared pebra S. Thomas and John T. Margeson to me known or proven on the basis of satisfactory evidence to be the Vice President and Vice President, respectively of BANK OF AMERICA, N.A., that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act of said bank and that they were authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.



Pat A. Wood

Notary Public in and for the State of Washington

Residing at Everett

Name printed PAT A WOOD

My appointment expires: 5/1/05

276752

WATER RIGHTS TO BE CONVEYED

THOSE CERTAIN surface water rights from the East Walker River which are appurtenant to the real property described in EXHIBIT "B", attached ("Property") pursuant to Claim 17 of that certain decree entitled "UNITED STATES OF AMERICA, PLAINTIFF, VS. WALKER RIVER IRRIGATION DISTRICT, A CORPORATION, ET AL, DEFENDANTS, CASE IN EQUITY C-125" and consisting of the following:

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TOGETHER WITH the right to change the point of diversion and place and manner of use of said water rights.

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276752